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Attorneys for Defendant  
**PRUDENTIAL INSURANCE  
COMPANY OF AMERICA**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

GAY WATERMAN,  
Plaintiff,

v.

PRUDENTIAL INSURANCE COMPANY  
OF AMERICA and DOES 1 to 50, Inclusive,  
Defendants.

Case No.: C06-03777 MJJ

**STIPULATED MOTION AND ORDER  
FOR DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO Fed.R.Civ.P. 41(a)(1)**

GRANTED

Plaintiff, Gay Waterman, by and through her attorneys, Joseph John Turri of Insurance Litigators & Counselors, and Defendant Prudential Insurance Company of America, by and through its attorney's, Adrienne C. Publicover of Wilson, Elser, Moskowitz, Edelman & Dicker, respectfully move this Court pursuant to Fed.R.Civ.P. 41 (a)(1) for a voluntary dismissal of this

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WILSON ELSE

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1 action without prejudice. This relief is properly sought as the Defendant has not answered  
 2 though served with Plaintiff's Summons and Complaint.

3  
 4 Dated: September 12, 2006

INSURANCE LITIGATORS &amp; COUNSELORS

By: 

Joseph J. Turri  
 Attorneys for Plaintiff  
 GAY WATERMAN

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 8  
 9 Dated: September 12, 2006

WILSON, ELSER, MOSKOWITZ,  
 EDELMAN & DICKER LLP

By: 

Adrienne C. Publicover  
 Michael K. Brisbin  
 Attorneys for Defendant  
 PRUDENTIAL INSURANCE  
 COMPANY OF AMERICA

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 15  
 16 ORDER

17 This matter having come on before the Court upon the Stipulated Motion of the plaintiff  
 18 and defendant for voluntary dismissal of this action without prejudice pursuant to FRCP  
 19 41(a)(1), and the Court having reviewed said stipulated motion, this order, and finding no answer  
 20 by the defendant, and otherwise being fully advised, now, therefore, it is hereby

21 ORDERED that this matter be and hereby is, dismissed without prejudice, and without  
 22 costs or fees to any party.

23  
 24 Dated: September 15, 2006

By: 

Honorable Martine J. Jenkins  
 United States District Judge

**CERTIFICATE OF SERVICE**

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 California Street, 17<sup>th</sup> Floor, San Francisco, California 94105.

On this date I served the following document(s):

**STIPULATION MOTION AND ORDER FOR DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO Fed.R.Civ.P. 41(a)(1)**

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

☒ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

☐ : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

☐ : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

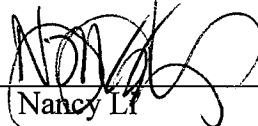
☐ : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.C.A.)

Joseph J. Turri, Esq.  
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Ukiah, CA 95482  
Tel: (707) 462-6117  
Fax: (707) 468-5302

***Counsel for Plaintiff Gay Waterman***

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED September 12, 2006 at San Francisco, California.

  
\_\_\_\_\_  
(Nancy Li)